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| APPLICATION NO.                   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|---------------|----------------------|---------------------|------------------|
| 10/643,475                        | 08/19/2003    | Robert A. Dunstan    | P17354              | 6003             |
| 28062                             | 7590          | 01/04/2008           | EXAMINER            |                  |
| BUCKLEY, MASCHOFF & TALWALKAR LLC |               |                      | CAO, CHUN           |                  |
| 50 LOCUST AVENUE                  |               |                      | ART UNIT            | PAPER NUMBER     |
| NEW CANAAN, CT 06840              |               |                      | 2115                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                      |                    |
|------------------------------|----------------------|--------------------|
| <b>Office Action Summary</b> | Application No.      | Applicant(s)       |
|                              | 10/643,475           | DUNSTAN, ROBERT A. |
|                              | Examiner<br>Chun Cao | Art Unit<br>2115   |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 24 October 2007.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-6,8-10,12-16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6,8-10,12-14,16 and 20 is/are rejected.
- 7) Claim(s) 5,15 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

|                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.                                                         | 6) <input type="checkbox"/> Other: _____.                         |

**FINAL REJECTION**

1. Claims 1-6, 8-10, 12-16 and 20-21 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.
3. Claims 1-4, 6, 8-10, 12-14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Peters (Peters), U.S. patent no. 6,516,421 in view of Forrest et al. (Forrest), U.S. patent no. 5,553,296

As per claim 1, Peters teaches a method, comprising:

establishing a first power policy associated with a system that places the system in a low- power state after a first pre-determined period of time [col. 1, lines 12-44; col. 5, lines 10-21];

receiving from a user an indication [logoff or shutdown ] that the user is no longer using the system [col. 3, lines 49-50; col. 7, lines 38-40]; and

in response to the indication, establishing a second power policy associated with the system that places the system in the low-power state after a second pre-determined period of time, wherein the second pre-determined time is less than the first pre-determined time [col. 2, lines 43-51; col. 3, lines 27-30; lines 61-67; col. 7, line 41-col. 8, line 2; col. 8, lines 48-56; “automatic reducing inactivity periods”].

Peters does not explicitly teach that the indication is sent via a connection with the display unit.

However, Forrest teaches that an indication is sent via a connection with the display unit [fig. 2; col. 5, lines 38-55, emphasis added, user selects logoff/shutdown command via a touch screen display unit].

It would have been obvious for one of ordinary skill in the art to combine Peters and Forrest because the specific teaching of Park would improve functionality and performance of the Peters' system.

As per claim 2, Peters inherently teaches of continuing, after receiving the indication, to execute instruction to support one or more remote devices prior to establishing the second power policy [fig. 1; col. 2, lines 43-51; col. 3, lines 27-30; lines 61-67; col. 7, line 41-col. 8, line 2; col. 8, lines 48-56].

As per claim 3, Peters inherently teaches that the low-power state is associated with an advanced configuration and power interface low-power state [fig. 2; col. 5; lines 8-22].

As per claim 4, Peters teaches that the low-power state is associated with at least one of: (i) a global state, (ii) a device power state, (iii) a sleep state, (iv) a processor power state, and (v) a performance state [fig. 2; col. 5; lines 8-22].

As per claim 6, Peters teaches of saving the first power policy [col. 6, lines 45-67].

As per claim 8, Peters teaches of receiving from a user via the display unit a second indication that the user is again using the system [col. 6, lines 55-56]; and establishing the first policy associated with the system that places the system in the low-

power state after the first pre-determined period of time [col. 5, lines 30-35; col. 6, lines 13-41].

As per claim 9, Peters teaches that the system includes a processor and comprises at least one of: (i) a desktop personal computer; (ii) a mobile system, (iii) a workstation, (iv) a server, (v) a set top box, and (vi) a game system [fig. 1; col. 4, lines 45-49].

As per claim 10, Peters teaches that at least one of said receiving and aid establishing is performed by at least one of: (i) a software application, (ii) a hardware device, (iii) an operating system, (iv) a driver, and (v) a basic input/output system [col. 2, lines 43-51].

As per claim 12, Peters teaches that the first power policy is configurable by the user [col. 1, lines 36-37].

As per claim 13, Peters teaches that the first power policy is associated with operating system power management [col. 5; lines 8-22].

As to claim 14, claim 14 basically is the corresponding elements that are carried out the method of operating steps in claim 1. Accordingly, claim 14 is rejected for the same reason as set forth in claim 1.

As to claim 16, Peters teaches the claimed method of steps. Therefore, Peters teaches the claimed storage medium stored instructions to carry out the method of steps.

As to claim 20, claim 20 basically is the corresponding elements that are carried out the method of operating steps in claim 1. Accordingly, claim 20 is rejected for the same reason as set forth in claim 1.

***Allowable Subject Matter***

4. Claims 5, 15 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 10/24/2007, which have been fully considered but they are not persuasive.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dec 31, 2007



CHUN CAO  
PRIMARY EXAMINER